

# **Exhibit D**

**EASTERN DISTRICT OF NEW YORK**  
**U.S. Attorney's Office**

**TRANSCRIPT**

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Case #: CV-25-1759

Participants: Judge Richard Bailey, Keith  
[UI], Miguel Barrios, Samantha Hing, Spanish  
Interpreter

Recording Time: N/A

Recording Date: August 5<sup>th</sup>, 2024

Type: Immigration Interview

Method: Virtual

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2 BAILEY: Today is August 5<sup>th</sup>, 2024. This is Immigration Judge  
3 Richard Bailey at the Elizabeth Immigration Court. Counsel for the  
4 Department, your appearance please.

5

6 KEITH: Keith [UI] for the government.

7

8 BAILEY: Good morning. Good morning to all parties present. The  
9 use of recording devices is prohibited during these proceedings.  
10 All respondents are appearing virtually from the Moshannon Valley  
11 Processing Center unless otherwise noted. We are joined today with  
12 a Spanish interpreter today. Mr. Interpreter, please raise your  
13 right hand. Do you swear or affirm you are competent to interpret  
14 between Spanish and English and you will do so accurately and  
15 completely?

16

17 INTERPRETER: I do. Good morning, Your Honor.

18

19 BAILEY: Thank you. Good morning.

20

21 [END OF PART 1 OF THE RECORDING]

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23 [START OF PART 2 OF THE RECORDING]

24  
25 BAILEY: This is a removal hearing in the matter of Miguel  
26 Gregorio Vamondez Barrios 240176787. The respondent is present and  
27 represented by counsel appearing by Webex. Counsel, your appearance  
28 please.

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30 HING: Samantha Hing, the Broncs defenders, counsel for  
31 respondent.

32  
33 BAILEY: Good morning. Good morning to the respondent. Sir, what  
34 is your full name.

35  
36 BARRIOS: Miguel Gregorio Vamondez Barrios.

37  
38 BAILEY: Thank you. Attorney Hing, do you waive interpretation of  
39 this hearing?

40  
41 HING: Yes, Your Honor.

42  
43 BAILEY: Respondent filed a motion to terminate, and the court,  
44 uh, issued an order on July 19<sup>th</sup> denying the motion to terminate. Is  
45 the respondent, um - also in the order the court had found that the  
46 Department of Homeland Security established the four factual  
47 allegations in the notice to appear and sustained the charge under  
48 212(a)(6)(A)(1). Is the respondent seeking relief from removal?

49  
50 HING: Yes, Your Honor.

51  
52 BAILEY: And what is the relief?

54 HING: Your Honor, we plan on filing a 589, and Your Honor, we  
55 understand that these applications of relief are not for the court.  
56 Mr. Vamondez's lawyers believed that he had already applied for  
57 TPS, and we're still waiting a [UI] result to determine if an  
58 application has already been filed. But if not, we - if he's  
59 eligible for TPS, and we'll file that application as soon as  
60 possible. And then finally, Mr. Vamondez Barrios does have a US  
61 citizen wife, and we are in conversations with her and in the  
62 process of filing an I-130 petition.

63  
64 BAILEY: Okay, Thank you. So, and he's charged, um, as being  
65 present without being admitted a parole. The court sustained that.  
66 So, if he filed the I-130, that would just be collateral relief,  
67 essentially, or to allow him [UI] process if needed?

68  
69 HING: We're also just, uh, looking into whether the new parole  
70 release [UI] program would be applicable for that as well. But yes,  
71 Your Honor, it would be a collateral.

72  
73 BAILEY: Okay. Okay. So, we'll set this out to another master  
74 hearing to give him some time to, uh, to file relief with this  
75 court as well as to, uh, hear back from USCIS. Attorney [UI], does  
76 the Department have any information about whether he's already  
77 filed for TPS?

78  
79 KEITH: I didn't see it when I was preparing the case, Your  
80 Honor. Um, I can look, and if he did have one, I can - and I have  
81 the application, I can forward it.

82  
83 BAILEY: Okay. I don't see it in the 213, but - but just to help  
84 speed things along on that front because if they're going to be

filing it from scratch, they might as well get started as soon as possible on that. so we'll put this on for another master. How is August 26<sup>th</sup> at 8:30?

HING: That works perfectly fine, Your Honor. Oh, yeah, I'm so sorry, so sorry, so sorry. Actually, I'm going to be out for the - for that week. Can we do the week before?

BAILEY: The week before? Yeah, let me just check what that would be. I think that would be August 21<sup>st</sup> at 8:30?

HING: Yes, yes, 8:30, yes.

BAILEY: Can you have the 589 filed by then?

HING: Yes, we can get the 589 filed by then.

BAILEY: All right, in that case, we will adjourn it here. To the respondent, your next hearing is August 21<sup>st</sup> at 8:30 in the morning. Please be in touch with your attorney.

INTERPRETER: Okay.

Dated this 28<sup>th</sup> day of April 2025.

/S/ aLanguageBank

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